

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DEUTSCHE BANK NATIONAL TRUST §
COMPANY, AS TRUSTEE FOR §
AMERIQUEST MORTGAGE §
SECURITIES INC., ASSET-BACKED §
PASS-THROUGH CERTIFICATES §
SERIES 2005-R5 §

Civil Action No. 4:20-cv-4281

Plaintiff,

v.

CARLTON J. WALKER

Defendant.

§

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

Plaintiff Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates Series 2005-R5 (“Deutsche” or “Plaintiff”) filed this *Notice of Voluntary Dismissal* (“Notice”) pursuant to Rule 41 of the Federal Rules of Civil Procedure, and shows the Court as follows:

1. On December 16, 2020, Deutsche filed its *Original Complaint* (“Complaint”) against Defendant Carlton J. Walker (“Defendant”) to obtain an order authorizing foreclosure of Plaintiff’s security interest on the real property located at 702 Shiremeadow Dr., Missouri City, Texas 77489. (ECF No. 1.)

2. Defendant was served on January 4, 2021. (ECF No. 7.) Defendant have not answered or otherwise appeared in this action yet. (ECF No. 9.) On April 8, 2021, Plaintiff filed a Motion to Abate the case due to a foreclosure hold placed in the loan instituted by the Federal Emergency Management Administration (“FEMA”) and the Department of Housing and Urban Development (“DUH”). (ECF No. 10.)

3. Plaintiff no longer wishes to pursue this claim for judicial foreclosure against Defendant. Accordingly, it files this Notice, pursuant to Rule 41 (a)(1)(A)(i) of the Federal Rules of Civil Procedure. Plaintiff files this Notice before Defendant filed an answer or motion for summary judgment. As such, Plaintiff voluntarily dismisses the claims it has asserted herein against Defendant without prejudice to the re-filing of the same.

4. Plaintiff's claims are the only claims pending in this case, so dismissal will dispose of all parties and all claims, and the Defendant will not be prejudiced.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests the Plaintiff's claims against Defendant be dismissed without prejudice, that no prejudice attach to such dismissal, and that Plaintiff be awarded all other relief to which Plaintiff may be entitled.

Respectfully submitted,

By: /s/ Vivian N. Lopez
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